

R. BLAKE HAMILTON (Bar No. 11395)
ASHLEY M. GREGSON (Bar No. 13716)
DURHAM JONES & PINEGAR, P.C.
111 East Broadway, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 415-3000
Facsimile: (801) 415-3500
bhamilton@djplaw.com

ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSHUA CHATWIN,

Plaintiff,

v.

DRAPER CITY; DRAPER CITY POLICE
DEPARTMENT; POLICE CHIEF MAC
CONNOLE; OFFICER J. PATTERSON, in his
individual and official capacity; OFFICER
DAVID HARRIS, in his individual and official
capacity; OFFICER HEATHER BAUGH, in
her individual and official capacity; and JOHN
DOES 1-10,

Defendants.

**DEFENDANTS' MOTION TO STAY
BRIEFING ON PLAINTIFF'S MOTION
FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT AND
MEMORANDUM IN SUPPORT
THEREOF**

Civil No. 2:14-cv-00375
Judge Dale A. Kimball

Plaintiff filed his Motion for Leave to File Second Amended Complaint and Memorandum in Support Thereof on October 19, 2015. [Doc. 23]. On October 20, 2015, this Court heard argument on Defendants' Motion for Judgment on the Pleadings [Doc. 17], which the Court took under advisement. Defendants' opposition to Plaintiff's Motion for Leave to File Second Amended Complaint is due on November 5, 2015.

The Motion for Leave proposes amendments to the First Amended Complaint that could be rendered moot by the pending Motion for Judgment on the Pleadings. It would be unreasonable to expend time and effort briefing the Motion for Leave when the Court could rule any day on the Motion for Judgment on the Pleadings, and such a ruling could dismiss the very claims that Plaintiff is now moving to amend. For these reasons, Defendants respectfully request that this Court stay the briefing on Plaintiff's Motion for Leave until fourteen (14) days after this Court has ruled on the pending Motion for Judgment on the Pleadings.

Defendants contacted counsel for Plaintiff regarding reaching a stipulation on the proposed stay of briefing, and Plaintiff would not so stipulate. *See* emails between Hamilton and Marcy, attached hereto as Exhibit A.

DATED this 5th day of November, 2015.

DURHAM JONES & PINEGAR, P.C.

/s/ R. Blake Hamilton

R. Blake Hamilton

Ashley M. Gregson

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the **DEFENDANTS' MOTION TO STAY BRIEFING ON PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT THEREOF** was served this 5th day of November, 2015, via email, upon the following:

Lisa A. Marcy
CLYDE SNOW & SESSIONS
One Utah Center, Thirteenth Floor
201 South Main Street
Salt Lake City, UT 84111

John K. Johnson
JOHN K. JOHNSON, LLC
10 West 300 South, Suite 800
Salt Lake City, UT 84101

/s/ Sarah Peck